

1 **FAX RECEIVED**

IN THE UNITED STATES COURT OF APPEALS
FOR THE 8TH CIRCUIT

2 JUN - 2 2011

3 **U.S. COURT OF APPEALS**
4 **FOR THE EIGHTH CIRCUIT**

TOM BRADY, et. al

Case No: 11-1898

5 NATIONAL FOOTBALL LEAGUE
6 PLAYERS ASSOCIATION

7 PLAINTIFF-APPELLANT

Judges: Duane Benton

8 Kermit Bye

9 V.

Steven Colloton

10 NFL OWNERS

11 NATIONAL FOOTBALL LEAGUE, et. al

12 DEFENDANT-APPELLEES

13
14 AND THE NATIONAL FOOTBALL LEAGUE PLAYERS' RESERVE (NFLPR) PROPOSED
15 DEFENDANT INTERVENOR'S 2ND MOTION TO INTERVENE ON THE LEGALITY OF THE
16 NFL LOCKOUT

17 **BACKGROUND AND STATEMENT OF INTEREST**

18 The National Football League Players' Reserve (NFLPR) for the record and in the interest of the
19 public, is a nominative fair use limited liability company and soon-to-be- 501 c non-profit charitable
20 service organization whose goals besides marketing the NFL as the "New Formidable League" in all
21 of sports via unique public relations, but to also include reaching out to help meet the needs of
22 autistic and developmentally disabled children through the vehicle of professional football and
23 rookie football players—in a USO (United Service Organization) capacity—directly promoting the
24 National Football League at an 'NFL Superpro' or elite trainee level that goes beyond discipline and
25 service on the playing field. Along with the formation of this organization, 2011 NFL drafted rookies
26 and undrafted rookies still on the owners' RSOTR (Rookies Still On The Radar) lists would have the
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1 opportunity to qualify for this honor of being another part of a special group of football players
2 within the National Football League. Their mission simply would be to entertain kids and adults
3 at another level on and off the football field under yearly reserve contracts. Under this contingency
4 plan—because of the owners' legal right to implement a lockout—rookie players would fill NFL
5 reserve team rosters and play in place of veteran players until the second half of the season—or
6 when a new collective bargaining agreement is in place, at which time the best of these best—
7 (NFLPR)—will be chosen to play in an epic all-star game after the Super Bowl and Pro Bowl.
8 The 4 teams of each rookie 'NFL Superpro' division—8 divisions in all—i.e. Dallas Cowboys,
9 Philadelphia Eagles, New York Giants, and Washington Redskins of the NFC East would be
10 affiliated or attached to a Marvel action hero mascot of the 1st NFL Players' Reserve (Juggernauts
11 gridiron attachment); 2nd NFL Players' Reserve (Heroes gridiron attachment); 3rd NFL Players'
12 Reserve (Shockers gridiron attachment); 4th NFL Players' Reserve (Silver Surfer gridiron
13 attachment); 5th NFL Players' Reserve (Havocs gridiron attachment); 6th NFL Players' Reserve
14 (Hulks gridiron attachment); 7th NFL Players' Reserve (Iron Men gridiron attachment) and 8th NFL
15 Players' Reserve (Crimson Commandos gridiron attachment). The NFLPR's name and headquarters
16 are currently registered with the California Secretary Of State's office located in Sacramento, California
17 with the other 8 reserve attachments just mentioned earmarked to be registered in the states of
18 Arizona, Texas, Georgia, Missouri, Minnesota, Indiana, and Michigan under the possible
19 chairmanship of what the organization hopes is either Arnold Schwarzenegger or Maria Shriver
20 since they are affiliated with the Special Olympics and the same needs children.
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The 4 NFL teams from a division will have banners of their action hero mascot reserve units and
affixed to the shoulder side of the official team jersey with the 'NFL Superpro' patch on the front

1 of the jersey. The white beret with the NFL Players' Reserve Patch and the rookies' "victory salute,"
2 in contrast to the veterans' "number #1 (index finger raised) sign" is going to set the stage for the NFL
3 (New Formidable League) and NFL Fantasy Bowl I—a 2nd team roster of NFL Pro Bowl All-Stars
4 vs. the NFL (Rookie) Mutant All-Stars... this fantasy to reality contingency plan will be made
5 possible only if the NFL lockout continues at an impasse and NFL Properties and Marvel
6 Entertainment Characters Inc. agree to a licensing agreement to televise the 2011 NFL Football
7 season with this format. ABC's new boss, Paul Lee has already said that he wants to go after
8 fantasy, comedy, and pure candy as his new line-up of television programming this fall, which falls
9 in line with this intervenor's supposition that the NFL did not negotiate television contract fees to
10 subsidize the owners' lockout of their players for the 2011 NFL season mentioned in his 1st motion to
11 intervene on behalf of the defendants. Excluding the judges of the Appeals Court, the district judge
12 who issued a preliminary injunction to end the NFL lockout; NFL players affected by the lockout;
13 NFL coaches affiliated with the NFL Coaches Association; elected officials; the National Hockey
14 League; Major League Baseball; and the National Basketball Association, all of whom filed briefs in
15 support of ending the NFL lockout, this defendant intervenor makes his case to establish the legality
16 of the NFL owners' lockout of its players.

21 SUMMARY OF ARGUMENT

22 The appeals court correctly concluded that the NFL lockout order of the lower court's decision
23 should be stayed until the entire appeals process is concluded, and once done either affirming the
24 appeals court's decision or remanding the case back to the lower court for trial. The proposed
25 intervenor is at a consensus with the defendants that the jurisdiction of what began and ended as
26 a labor dispute directly falls under the federal statutes of the National Labor Relations Board under
27 the auspices of the National Labor Relations Act. The National Labor Relations Board has a
28

1 longstanding policy of encouraging the settlement of labor disputes, Bloom v. NLRB 30 F.3d
2 at 1003.

4 ARGUMENT

6 THE NATIONAL LABOR

7 RELATIONS ACT: Employers/NFL owners as the employer of professional football players have a
8 right to lay off an employee/player for economic reasons, page 30 law and
9 procedures under the National Labor Relations Act. *

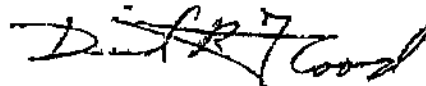
10 THE REALITY: The National Football League Players' Association and league players ended their
11 last collective bargaining meeting with the NFL owners without accepting a new
12 CBA and then proceeded to decertify their union—otherwise declaring a strike
13 with the owners and then filed a antitrust lawsuit that went beyond the threshold
14 collective bargaining.

15 THE NATIONAL LABOR

16 RELATIONS ACT: A whipsaw strike against one employer—the NFL—engaged in multiemployer
17 bargaining justifies a lockout by any of the other employers who are a party to
18 the bargaining—the owners of NFL teams *

19 Definition: Is an effective strike technique by a union that entails a sudden and total strike at one
20 company—NFL—and is designed to send a message to the other parties of other
21 companies affiliated with this company, that the same misfortune will effect them/the
22 owners of the NFL teams.

23 REALITY: The current players, under the allegiance of the National Football League Players
24 Association ended their collective bargaining in bad faith—by leaving a new deal
25 based on the state of the economy—on the table, then initiated the whipsaw strike.
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3 CONCLUSION
45 Under Rule 24 Intervention Fed. Rules of Civil Procedure
67 may permit anyone to intervene who:
89 (B) Has a claim or defense that shares with the main action a common question of law or fact .
10
1112 Dated: June 3, 2011
1314 Respectfully submitted,
1516 
1718 David R. Flood
19 U.S. Army Vet./ President, National Football
20 League Players' Reserve
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2728 Pro Se attorney representing defendants
29



State of California Secretary of State

LIMITED LIABILITY COMPANY CERTIFICATE OF AMENDMENT

A \$30.00 filing fee must accompany this form.

IMPORTANT - Read Instructions before completing this form.

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

APR 06 2011

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3. COMPLETE ONLY THE SECTIONS WHERE INFORMATION IS BEING CHANGED. ADDITIONAL PAGES MAY BE ATTACHED IF NECESSARY.	
A. LIMITED LIABILITY COMPANY NAME (AND THE NAME WITH THE WORDS "LIMITED LIABILITY COMPANY," "LTD. LIABILITY CO.," OR THE ABBREVIATIONS "LLC" OR "L.L.C.") NATIONAL FOOTBALL LEAGUE PLAYERS RESERVE, LLC	
B. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY (CHECK ONE) <input checked="" type="checkbox"/> ONE MANAGER <input type="checkbox"/> MORE THAN ONE MANAGER <input type="checkbox"/> ALL LIMITED LIABILITY COMPANY MEMBER(S)	
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APPROVED BY SECRETARY OF STATE

NFL rookie takes disabled teen to dance - FOXSports.com | NFL ...

May 23, 2011 ... NFL NewsNFL rookie takes disabled teen to danceFOXSports, ... J.T. Thomas / BBAO: Bears rookie grants prom wish - You're Gona Wanna Check ...
www.nflhuddle.com/.../nfl-rookie-takes-disabled-teen-to-dance-foxsports-com/ - Cached

Former WVU player makes a difference for handicapped kid - NFL Huddle

May 23, 2011 ... NFL rookie takes disabled teen to danceFOXSports.com, Bears ...
www.nflhuddle.com/.../former-wvu-player-makes-a-difference-for-handicapped-kid-charleston-gazette/ - Cached
Show more results from nflhuddle.com

NFL rookie takes disabled teen to dance | Mhy eLearning

May 24, 2011 ... NFL rookie takes disabled teen to dance - MORGANTOWN, W.Va. ... Support Grows to Make Once-Banned Connecticut Teen Prom King Now that a ...
www.mhyelearning.com/nfl-rookie-takes-disabled-teen-to-dance.html - Cached

NFL rookie takes disabled teen to dance - Fox Sports

May 23, 2011 ... Chicago Bears rookie linebacker J.T. Thomas escorted a disabled teen to her middle school dance. Chicago Bears J.T. Thomas takes disabled ...
msn.foxsports.com/nfl/.../Chicago-Bears-JT-Thomas-takes-disabled-teen-wheelchair-to-dance-052311 - Cached

Chicago Bears' J.T. Thomas takes disabled teen to school dance ...

May 23, 2011 ... Chicago Bears rookie linebacker J.T. Thomas escorted a ...
msn.foxsports.com/nfl/.../Chicago-Bears-JT-Thomas-takes-disabled-teen-wheelchair-to-dance-052311? ... - Cached
Show more results from foxsports.com

NFL rookie takes disabled teen to dance | Yardbarker.com

NFL rookie takes disabled teen to dance. Found 2 days ago on Fox Sports: PLAYERS: J.T. Thomas ... J.T. Thomas out of West Virginia took Joslyn Levell to her prom, ... and posed for dozens of pictures with many of the 1800-plus walkers. ...
www.yarbarker.com/nfl/.../nfl_rookie...disabled_teen_to.../4780106 - Cached



GOVERNOR ARNOLD SCHWARZENEGGER

August 14, 2006

Mr. Dave Flood
President
West Coast Sports and Entertainment
945 L Street
PMB 292
Sacramento, California 95814

Dear Mr. Flood,

Thank you for the great birthday gifts. I appreciate your thoughts of goodwill on my big day. Each and every year is a blessing, and I've honestly never been happier!

Regarding the NFL expansion team idea, I have forwarded the information to my Deputy Cabinet Secretary, Doug Hoffner. He can be reached at (916) 445-6131.

Again, thanks for thinking of me on my birthday.

With warm regards

A handwritten signature of Arnold Schwarzenegger in black ink, written over the words 'With warm regards' and 'Arnold Schwarzenegger'.
Arnold Schwarzenegger

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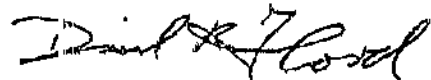
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion to intervene was electronically filed on

June 3, 2011

Notice of this filing will be sent by operation to the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

David R. Flood



President, National Football League
Players' Reserve